

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 1416/14	FOR FURTHER ACTION		See item 4 below
International application No. PCT/IL2005/000099	International filing date (<i>day/month/year</i>) 27 January 2005 (27.01.2005)	Priority date (<i>day/month/year</i>) 28 January 2004 (28.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant M.G.H. AGRICULTURAL COOPERATIVE SOCIETY LTD.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 *bis*.1(a).
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|--------------------------|--------------|---|
| <input type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 31 July 2006 (31.07.2006) Authorized officer <p style="text-align: center; font-weight: bold;">Simin Baharlou</p> e-mail: pt09@wipo.int
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 05 AUG 2005

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 03 AUG 2005

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

1416/14

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/IL05/00099

27 January 2005 (27.01.2005)

28 January 2004 (28.01.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): B 25 C 07/00 and US Cl.: 227/147,140,119,110,139; 29/275; 81/44,23,27

Applicant

M.G.H. AFRICULTURAL COOPERATIVE SOCIETY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IL05/00099

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IL05/00099

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>5-9,11,14-20</u>	YES
	Claims <u>1-4,12-13</u>	NO
Inventive step (IS)	Claims <u>11</u>	YES
	Claims <u>1-9,12-20</u>	NO
Industrial applicability (IA)	Claims <u>1-9,11-20</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-4, and 12-13 lack novelty under PCT Article 33(2) as being anticipated by US 2,896,209 to Hilti. Hilti shows the same invention including a nail-guiding device that assists in guiding a nail to be driven into a work piece, the device having a sleeve (106a) partially covered by a flexible membrane (117) operative to hold the nail, a piston (118a) slideably engaged in the passage of the sleeve and operative to transfer the impact of a driver to the nail via a concave surface (119a) that engages the nail head (see Fig 9 and column 4, lines 49-59).

Claims 5-9 and 14-15 lack an inventive step under PCT Article 33(3) as being obvious over US 2,896,209 to Hilti. As discussed above, Hilti shows the invention substantially as claimed, but does not specifically disclose attaching the membrane via glue or injection molding, wherein the membrane opening is round or wherein the sleeve includes an accessory storage compartment.

Hilti does disclose the membrane surrounding the nail shank, i.e. a round opening, to be made of a soft material and it would have well within the engineering purview of one having ordinary skill in the art to use rubber for such material since the use of rubber is well known in the art to be a soft material. Hilti also shows the opening the membrane to be slitted and not round. Making the opening round instead of slitted would be an obvious choice and is well within the engineering purview of one having ordinary skill in the art. As for a storage compartment, it is not fully clear (as noted below) what is meant by an accessory storage compartment; however, Hilti discloses a pocket space in between the piston and the membrane wherein the head of the fastener is stored prior to being driven into the workpiece.

Claims 16-20 lack an inventive step under PCT Article 33(3) as being obvious over US 2,896,209 to Hilti in view of US 3,847,193 to Brunstetter. As discussed above, Hilti shows the invention substantially as claimed, but does not disclose a method for driving a nail into the workpiece, specifically the step of inserting a nail, head-first into the flexible membrane to engage the piston. Brunstetter teaches inserting the nail head-first into the slitted opening in the flexible membrane to be retained in engagement prior to being driven into the workpiece. Since the nail cannot insert itself, it is an obvious step for one to insert the nail head-first into the membrane of Hilti as taught by Brunstetter.

Claim 11 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a nail guiding device with all the limitations of claim one and wherein the sleeve includes a level indicator.

Claims 1-9 and 11-20 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IL05/00099

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim 10 is objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: There is no claim 10, the claims are numbered 1-9 and 11-20.

Claim 9 is objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: There is a minor typographical error in line 1, wherein it is suggested that "a" be changed to "an".

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/IL05/00099

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claim 6 is objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claim 6 is indefinite for the following reason(s): It is not clear what is meant or what structural limitations are encompassed by the phrase "fixed attachment effected by injection molding".